

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**February 13, 2008**

The meeting was called to order at 4:11 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Dale Clayton, and Mary Jayne Davis

**ABSENT:**

Jason Jones

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Steve Pastorik, Steve Lehman, Ron Weibel, Jody Knapp, and Hannah Thiel

**WEST VALLEY ADMINISTRATIVE STAFF:**

Nicole Cottle, Asst. City Attorney  
Claire Gillmore, Asst. City Attorney

**AUDIENCE**

Approximately thirty (30) people were in the audience

## **ZONE TEXT CHANGE APPLICATION:**

### **ZT-2-2008**

#### **West Valley City**

#### **Adding a definition for senior housing and adding senior housing to the list of conditional uses in the RB Zone.**

City staff is recommending adding a definition for senior housing and adding senior housing to the list of conditional uses in the RB Zone. Recently the Zoning Administrator prepared an administrative determination that made senior housing a permitted use in the RB Zone. The reasons for this determination are outlined below:

- The RB Zone purpose states: “this Zone is to provide for various office, residential, and related uses which do not deal in merchandising, retailing, warehousing or manufacturing and should project business hours which are in harmony with contiguous zones. Uses should serve as a transition between residential zones and other more intensive zones.” Senior housing is compatible with the stated purpose.
- The RB Zone lists the following uses as either permitted or conditional uses: nursing homes, single-family dwellings, residential facilities for elderly persons, hospitals, and condos/planned unit developments. After reviewing the definitions of these uses and considering their associated impacts, senior housing was found to be similar to the uses listed above with equal or lesser impacts.
- Senior housing generates significantly less traffic per dwelling unit than other residential development. The following table compares senior housing with other types of residential.

<b>Housing Type</b>	<b>Weekday Trip Generation</b>	<b>Saturday Trip Generation</b>	<b>Unit of Measure</b>
Apartment	6.72	6.39	Dwelling Unit
Condo/Townhome	5.86	5.67	Dwelling Unit
Mobile Home Park	4.99	5.00	Dwelling Unit
Senior Adult Housing - Attached	3.48	2.51	Dwelling Unit
Single Family Detached Housing	9.57	10.10	Dwelling Unit

Source: ITE Trip Generation, 7th Edition, 2004

- The standard parking requirement for residential uses is 2 spaces per dwelling unit. However, with senior housing developments in the City the parking demand has been found to be significantly less than 2 spaces per unit. Hence, senior housing developments can have less parking than other attached housing developments resulting in more landscaping and building area.

In light of public concerns over a recent senior housing development on the corner of 3100 South and 3600 West, the City Council requested that staff amend the ordinance so that the public would have an opportunity to provide input on similar projects in the future. Attached to this report is the proposed ordinance amendment. This amendment, if approved, will require proposed senior housing developments in the RB Zone to obtain a conditional use permit from the Planning Commission where a public hearing would be held.

The limit on density for senior housing in the RB Zone was included to help limit the massing of a building and to reduce impacts on neighboring properties.

During the study session, a question was raised about how the City would enforce the age restriction. Staff will discuss this question with our legal department and have a response for the public hearing.

**Staff Alternatives:**

1. Approval, this ordinance change would require Planning Commission review and public input on senior housing in the RB Zone.
2. Continuance, for reasons determined at the public hearing.

**Applicant:**

West Valley City

**Discussion:** Steve Pastorik presented the application. Commissioner Conder stated that this amendment stems from a previous application that caused problems for the City when a senior housing facility was changed in the late stages of the project to accommodate previously homeless individuals. Commissioner Conder asked how this change to the ordinance would prevent a similar situation from occurring? Mr. Pastorik explained that if that particular problem were to arise again, it wouldn't alleviate the issue. Commissioner Conder asked if there was any way to eliminate that kind of issue by making a different amendment to the ordinance? Steve Pastorik stated that the City cannot discriminate based on income, race, or the fact that someone used to be homeless. Commissioner Conder asked if it would be beneficial to talk about subsidized housing? Nicole Cottle, assistant City attorney, said that something like that cannot legally be regulated. Senior housing is determined by age with no regard to income status.

Commissioner Conder stated that part of the issue was the public hearing process. Nicole Cottle agreed and said that this should be looked at from a land use perspective and not the social status of the residents living in the senior housing facilities.

Harold Woodruff stated that there are many reasons to deny the amendment to the ordinance and asked what the benefit would be to allow this change? Commissioner Conder said that this change would allow the residents the ability to address the use being submitted. Commissioner Fuller asked if this type of use is allowed in other zones as a conditional use? Steve Pastorik responded that it is and that this change would simply make it applicable to the 'RB' zone as well.

Commissioner Conder asked why the Planning Commissioners liked the amendment and questioned how it will be beneficial? Commissioner Davis said that the language is confusing and the sentences are fractured but in the end it does what it sets out to do. It doesn't modify or change anything but it does more fully explain the original text.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Davis moved for approval.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – ZT-2-2008 – Approved**

**SUBDIVISION APPLICATION:**

**S-15-2007  
Hollow Creek Subdivision  
3315 South 6400 West  
R-1-7 Zone  
5 Lots**

## **BACKGROUND**

Jean Dixon, is requesting preliminary and final plat approval for the Hollow Creek Subdivision. A similar version of this subdivision consisting of 4 lots was reviewed and approved in August 2007. Due to market conditions, the applicant is proposing to add an additional lot in the subdivision which will require Planning Commission approval. The subject property is located at 3315 South 6400 West. It is bordered on the north, east and south by existing residential development. The subject property was rezoned in April 2007 from the A Zone to the R-1-7 Zone.

## **STAFF/AGENCY CONCERNS:**

### Fire Department:

Fire hydrants to be installed in accordance with the Uniform Fire Code.  
Will need to provide a turnaround for emergency vehicles.

### Granger Hunter Improvement District:

Project will need to run availability for water, sewer and fire protection.  
Subject to design and review inspections.  
Will need to install a master meter for water services.

### Utility Agencies:

Subject to all standard easement locations.

### Public Works:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Revisions to plat are required.

Street improvements along 6400 West will need to be coordinated with Public Works.

Follow recommendations outlined in the soils report.

### Building Inspections:

Follow recommendations outlined in the soils report.

## **ISSUES:**

- The developer is proposing a preliminary and final plat for the Hollow Creek Subdivision. The subdivision will consist of 5 lots on 1.5 acres. Two existing single-family dwellings are currently located within the subdivision boundary. The dwelling on lot 1 will remain while the other dwelling will be removed to provide access to the subdivision. As all new lots will be considered flag lots, they will need to meet the minimum requirement of 8,750 square feet. There is sufficient size in the subdivision to meet this requirement. However, lot 2 will need an additional 500 square feet to meet the minimum lot area noted above.
- The subject property was rezoned a few months back. As part of the rezone, the applicant agreed to a number of development standards. Staff has attached these standards for the Planning Commissions review.
- Access to the subdivision will be gained from 6400 West. Lots 2-5 will gain access via a private lane. A turnaround has been provided between lots 3 and 4 for emergency vehicles. The private lane will be maintained in common by the owners of lots 2-4. The private lane will be improved with curb and gutter. The original plat called for a sidewalk on the south side of the private street. However, the developer opted to remove this improvement in order to increase the size of the proposed lots. In addition, during the City Councils review of the original plat, comments were made that a sidewalk seemed excessive for a subdivision of this size.
- Street improvements along 6400 West will consist of curb gutter and sidewalk. The connection of new improvements with those already existing along 6400 West will need to be coordinated with the City Engineering Division.
- As with all new subdivision development, there is a concern with the potential of ground water impacts. The applicant has submitted a soils report. This report indicates that ground water was not encountered to a depth of 11 feet.
- The new lane providing access into the subdivision will create double frontage lots for those existing residences to the south. In order to mitigate the problems that may arise from this situation, the developer has agreed to install a 6-foot vinyl fence. The fence will extend along the entire south property line. Without a sidewalk to buffer the fence, problems may arise in the future. Staff would suggest that sufficient width exists in the private lane to either have the sidewalk, or a landscape strip along this boundary to protect the fence.

## **STAFF ALTERNATIVES:**

1. Approval of the Hollow Creek Subdivision subject to a resolution of staff and agency concerns. A sidewalk, or landscape strip should be considered along the south property line to help protect the new fence. The HOA will be responsible for maintenance of this area.
- 2 Continuation to address issues raised during the public hearing

**Applicant:**

**Jean Dixon  
6183 South 2375 East  
Ogden, UT 84401**

**Discussion:** Steve Lehman presented the application. Commissioner Conder asked the applicant what her preference is in regards to the staff recommendation of a sidewalk or landscaping buffer. The applicant, Jean Dixon, explained that she had already anticipated a curb and gutter. Commissioner Matheson stated that if the Planning Commission chose landscaping, he would like to see a concrete buffer underneath the fence to prevent weeds from coming through. Commissioner Matheson feels that there needs to be this concrete strip or a 4 foot sidewalk if the curb is moved out. Ms. Dixon explained that she wouldn't mind having a sidewalk and stated that she is trying to give every inch of depth to the lots. Commissioner Matheson explained that 24 feet of asphalt is required so there will be plenty of room for either option. Commissioner Clayton asked if there was a sidewalk on the main road for this to lead out to? Ms. Dixon said that there will be.

Commissioner Mills asked the applicant about the value in the sidewalk for pedestrians or if she preferred making the area more attractive with landscaping? Ms. Dixon explained that original potential buyers were distressed about having the sidewalk on the south side. They wanted the sidewalks to be on the north side lawns and were concerned with the width of the sidewalks. Ms. Dixon would prefer a smaller 3 or 3.5 foot sidewalk.

Commissioner Fuller asked if there was a width requirement for sidewalks? Steve Lehman explained that there is no City regulation for private streets, but 5 feet is required for two people to walk side by side. Commissioner Mills doesn't feel that there is sense in a 3 foot sidewalk and doesn't think that concrete should be used in regards to the environment just for the sake of protecting the fence. Commissioner Matheson stated that it would make sense for the sidewalk to be on the property owners side because no one will walk to the other side of the road just to use a small 3 foot sidewalk. Commissioner Mills agreed and said there should be a non-maintenance landscaping strip that would improve the area. Commissioner Matheson asked how wide this landscaping strip should be? Commissioner Mills said that 3 feet would be ample. Commissioner Clayton asked

who would be responsible for the upkeep of the landscaping? Mr. Lehman explained that the Homeowners Association would maintain the area as they would the street. Commissioner Clayton said that his only concern is the potential of weeds overgrowing. Commissioner Mills said there should be some pride in ownership from the residents.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval subject to staff and agency concerns with a recommendation of a 3 foot landscaping buffer on the south side of the private drive

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Majority- S-15-2008– Approved**

**S-1-2008**

**Rushton Heights Subdivision**

**3878 South 5200 West**

**R-1-8 Zone**

**8 Lots**

**2.45 Acres**

**BACKGROUND**

Mr. Joe Colosimo, is requesting preliminary and final plat approval for the Rushton Heights Subdivision. The subject property is presently zoned R-1-8 and is bordered by residential housing on the north and west. Property to the south is vacant and zoned agriculture.

**STAFF/AGENCY CONCERNS:**

Fire Department:



- Fire hydrants to be installed in accordance with the Uniform Fire Code.
- Will need a turnaround.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Dedication of 5260 West to a 50-foot half width.
- Dedication and improvements will be required along Sunshine Drive .
- Revisions to the plat required.
- Will need to coordinate subdivision name with County Auditor's Office.
- Soils report will be required.

Building Inspections:

- Soils report will be required.

**ISSUES:**

- The developer is proposing a new subdivision to be known as Rushton Heights. The subdivision will consist of 8 lots on 2.4 acres. This equates to an overall density of 3.3 units per acre.
- Prior to the submittal of this application, the developer received two variances from the Board of Adjustment regarding lots 4 and 5. The required frontage in the R-1-8 zone is 80 feet. Due to surrounding development and the narrow width of the property, the Board granted the variance. A flag lot is being proposed to make use of the unique property configuration.
- Access to the subdivision will be gained from 5200 West and from a stub street in the

Amber Subdivision to the north. The developer will extend 5260 West to the south to provide access as future vacant land develops. The developer will be required to install all improvements where needed and as approved by the Public Works Department.

- Due to the length of 5260 West, a turnaround will be needed for the Fire Department. In past developments, the Fire Department has allowed a turnaround to be located in residential driveways. In this case, and because there are two flag lots essentially in the middle of both developments, the Planning Commission recommended that the turnaround be located in the stem portion of each flag lot. As the minimum width of the stem is 20 feet, this will meet with the Fire Departments requirements.
- When the Amber Subdivision was approved, a 50-foot right-of-way was constructed. The cross section consists of 25 feet of asphalt and a 5-foot parkstrip and 5-foot sidewalk. The City's current right-of-way width is now 54 feet. The City Engineer will need to determine whether the new road should be built to the current standard, or whether the existing right-of-way width will suffice. In either case, the developer has sufficient room to increase the width of the road should he be required.
- The subdivision is located to the north of agriculturally zoned property. The developer will be required to install a 6-foot chain link fence along a portion of the south property line. In addition, a note will need to be placed on the plat indicating the agricultural zone and its potential impacts to residential living.
- Staff is unsure if the property has been irrigated. If it has, the developer will need to coordinate this issue with the Public Works Department and will need to resolve any concerns expressed by those using the irrigation water such as easements, piping and any existing structures.
- A soils report will be required in order to assess ground water levels. During the review of the Amber Subdivision to the north, ground water was encountered at depths ranging from 17 to 20 feet. As ground water levels tend to fluctuate, it is important that a new study be provided to ensure that impacts will not occur in the subdivision.
- The subdividing of this property will abandon an existing 25-foot access easement. The access easement runs parallel to, and encroaches upon the Amber Subdivision by 12.5 feet. The access easement has been used for many years to provide access to two single family dwellings at the west end of the proposed subdivision. This access easement extends the length of the entire property from 5200 West. The removal of this easement will now provide owners of the Amber Subdivision the opportunity to fence their entire lot including the 12.5 feet that has previously been used for this easement.

**STAFF ALTERNATIVES:**

- A. Approve the Rushton Heights Subdivision subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  2. That the subdivision name be approved by Salt Lake County.
  3. That the developer provide a soils report prior to City Council review.
  4. That all matters pertaining to any existing irrigation system be addressed with the Public Works Department and water users as outlined in the analysis.
  5. That the developer resolve all staff and agency concerns.
  6. That a 6-foot chain link fence be installed along the south property line. The fence will need to be installed adjacent to agriculturally zoned property. A notation will also need to be placed on the plat identifying this area as agriculture which may be subject to various sounds and odors that accompany an agricultural lifestyle.
  7. That all street improvements be in accordance with plan and profiles approved by the Public Works Department.
  8. That the stem portion of the two flag lots be used for emergency vehicles. Improvements to this area, i.e. asphalt or concrete thickness will need to be increased for this purpose.
- B. Continuance to allow the developer an opportunity to address issues raised during the public hearing.

**Applicant:**

**Joe Colosimo  
P.O. Box 1178  
Draper, UT 84020**

**Neutral**

**Michael Stout  
5217 South State #450  
Salt Lake City, UT 84107**

**Discussion:** Steve Lehman presented the application. The applicant, Mr. Colosimo, stated that this entire project fits on Mr. Rushton's property and he can give the extra 12.5 feet back to the homeowner as well as solving any other issues the original project caused.

Michael Stout, an attorney on behalf of the homeowners, requested that the easement issue be resolved and included as a condition in the Planning Commission's approval of this application. The City was sued but was excluded from legal action because of this easement. Mr. Stout stated that this issue needs to be fixed and included on the plat before this application is given final approval. Mr. Colosimo agreed to this requirement and disclosed for the record that there is a sewer line that runs behind two lots west of the stub street that will be subject to a Granger- Hunter easement that he has no control over.

Commissioner Woodruff asked Mr. Lehman if these problems will be fixed with this application. Mr. Lehman said yes and added that a note will be included on the plat to further resolve the issues. Mr. Lehman and Mr. Colosimo will be working with Mr. Stout and Nicole Cottle to resolve any other legal issues.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Clayton moved for approval subject to the 8 staff conditions and that the developer resolve the 12.5' access easement along the north property line prior to plat recording.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous –S-1-2008– Approved**

**S-3-2008**

**Grant Estates Subdivision - Amended**

**3822 South 4400 West**

**R-1-8 Zone**

**3 Lots**

**BACKGROUND**

Anil Singh, is requesting preliminary and final plat approval for a 3-lot subdivision in the R-1-8 Zone. The proposed subdivision will amend the Grant Estates Subdivision which was recorded in 1996. The original plat consisted of a 2-lot subdivision, but a new dwelling was never constructed. The subdivision is bordered on the north and west by existing single family dwellings. Property to the south is vacant.

**STAFF/AGENCY CONCERNS:**

Fire Department:

- Fire hydrant and turnaround shall be in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Revisions to plat are required.
- Public improvements have been installed along 4400 West. The developer will be responsible to replace or repair any existing damage, or damage that may result from new construction.
- Soils report will be required.

**ISSUES:**

- The developer is proposing a new subdivision consisting of 3 lots. The subdivision will amend the original Grant Estates Subdivision recorded in March 1996. The original subdivision consisted of 2 lots on the same acreage. An existing dwelling exists on what will be lot 1. It is intended to stay and will have direct access to 4400 West. The remaining property is vacant.
- Access to the subdivision will be gained from 4400 West. Dedication of this right-of-way to a 33-foot half width occurred as part of the original subdivision. However, street improvements across the frontage of this property do not exist. Improvements to include curb, gutter, sidewalk and street will need to be installed as part of this development. An access easement has been added to the plat to serve lots 2 and 3.
- As with all subdivision development, a concern exists regarding ground water. Staff will require that a soils report be submitted to address this concern. The report will need to be submitted prior to City Council review.
- The developer will need to meet various requirements of the Fire Department. A hammerhead turnaround has been platted to accommodate emergency vehicle. A fire hydrant will need to be located within 250 of the back dwelling.

#### **STAFF ALTERNATIVES:**

1. Approval of the Grant Estates Amended Subdivision subject to a resolution of staff and agency concerns.
2. Continuation to address issues raised during the public hearing.

#### **Applicant:**

**Anil Singh**

**2732 South 3600 West**

**#C**

**Discussion:** Steve Lehman presented the application. Commissioner Mills asked about the neighboring property that would share access. The applicant, Anil Singh, stated that this property has access from 4400 West. Commissioner Mills asked Mr. Lehman if this property could develop in a similar manner. Mr. Lehman said that the neighboring property is larger but could potentially develop into another flag design. In the future, the owners of the properties could consent to amend this plat to explore other options, including a dedicated driveway. There is a possibility that this could develop but if not,

this lot does stand on its own.

Commissioner Matheson asked if the property to the south is zoned 'R-1-8'? Steve Lehman said that it is and that no fencing would need to be required.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for approval subject to staff and agency concerns.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – S-3-2008 – Approved**

**S-6-2008**

**Bangerter Acres Subdivision**

**3290 South 6400 West**

**R-1-8 & A Zones**

**5 Lots**

**BACKGROUND**

Mr. Thad Bangerter, is requesting preliminary and final subdivision approval for a five lot subdivision in the R-1-8 and A Zones. The subject property is located at 3290 South 6400 West. At the present time, the property is vacant except some old out buildings and is used for agricultural purposes.

**STAFF/AGENCY CONCERNS:**

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.
- Turnaround easement to be provided on lots 3 and 4.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Revisions to plat are required.
- Will need to coordinate review of new drive approach on 6400 West.
- Dedication and improvements required for 6400 West and 6535 West.
- Soils report will be required.

Building Inspections:

- Follow recommendations outlined in the Soils report.

**ISSUES:**

- Mr. Bangerter is proposing a preliminary and final subdivision plat consisting of 5 lots. The majority of the subdivision is zoned A, while lots 3 and 4 are zoned R-1-8. All lots meet the area and frontage requirements of their respective zones.
- Access to the subdivision will be gained from 6400 West and from an existing stub street in the Sharal Park Subdivision to the north. The City Engineering Division is recommending that both rights-of-way be dedicated and improved with curb, gutter and sidewalk. These matters will need to be coordinated with the Engineering Division.
- The property has been irrigated for many years. As such, there is a concern regarding the



potential for ground water. Although the soils report for the Hollow Creek Subdivision immediately to the east and across 6400 West did not indicate the presence of ground water, a soils report for this subdivision will be required.

- The applicant will need to coordinate various requirements of the Fire Department. A fire hydrant will need to be located within 250 of all new dwellings. A new hydrant is planned to serve lots 1 and 2 and an existing hydrant located on 3270 South will satisfy the demand for lots 3 and 4.
- The developer is proposing to create two separate turnaround areas for emergency vehicles. One at the west end of lot 2 and one to the south of lots 3 and 4. After discussing this issue with the Fire Marshall, he recommends that the south turnaround not be installed at the end of lots 3 and 4. His reasoning is based on the relatively short distance of 6535 West, and that this road will one day connect with future development to the south.
- There are a number of irrigation ditches related to this property. The development of the subdivision will require that a number of these ditches be piped. The developer will need to make sure that all irrigation water used by down stream users continue to be provided. The developer will need to coordinate this matter with the Public Works Department and any water users in the area.
- Lots 3 and 4 are located in the R-1-8 zone. However, the frontage of the existing property within that zone, is two feet short of what is needed to meet the 8,000 square foot requirement. The applicant will need to encroach the A zone by about 2 feet in order to satisfy all requirements of the R-1-8 zone. This will require that the applicant rezone a very small portion of the A zone to the R-1-8 zone. This will need to take place prior to the plat recording.

#### **STAFF ALTERNATIVES:**

- A. Approval of the Bangerter Acres Subdivision subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  2. That the subdivision name be approved by Salt Lake County.
  3. That the developer provide a soils report prior to City Council review.
  4. That all matters pertaining to any existing irrigation system be addressed with the Public Works Department and water users as outlined in the analysis.

5. That the developer resolve all staff and agency concerns.
  6. That all street improvements be in accordance with plan and profiles approved by the Public Works Department.
  7. That the applicant submit a rezone application to resolve the 2-foot strip of property immediately to the south of lots 3 and 4.
- B. Continuation to address issues raised during the Planning Commission meeting.

**Applicant:**

**Paul Watson (representing applicant Thad Bangerter)**  
**P.O. Box 951005**  
**South Jordan, UT 84095**

**Discussion:** Steve Lehman presented the application. Commissioner Conder asked why the 2 foot strip zoned agricultural needs to be changed to 'R-1-8'? Mr. Lehman explained that whoever owns the two lots with the sliver of agriculture could compound their mortgage for example, so the rezone will help avoid any potential legal issues. Paul Watson, a representative for the applicant, said that he had originally wanted to avoid rezoning the 2 foot overlap but will honor the City's request. Commissioner Matheson asked why a variance couldn't be granted. Mr. Lehman said that it is an option but it would need to go through the Board of Adjustment. The BOA could find reasons to deny the variance and the applicant would then be out time and money for the application fee. A rezone would be the most appropriate method of fixing this problem.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for approval subject to the 7 staff conditions and that the temporary fire turnaround will not be needed per recommendation of the fire department.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes

Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous –S-6-2008– Approved**

**S-7-2008  
CABCO 5600 West Subdivision  
2570 South 5600 West  
M Zone**

**BACKGROUND**

Adam Maher, is requesting preliminary and final plat approval for the CABCO 5600 West Subdivision. The subject property is located immediately to the north of the Riter Canal and west of 5600 West.

The proposed subdivision is being requested in order to divide the existing property into two commercial building lots. Lot 1 consists of 4.28 acres while lot 2 will consist of 1.95 acres. As part of the subdivision application, the developer will dedicate 5600 West to its full half width of 53 feet. In addition, the developer is proposing to dedicate a 66-foot right-of-way to serve future frontage road needs for 5600 West and Mountain View Corridor.

The proposed right-of-way for this subdivision will align with the right-of-way planned for the development to the south. A future bridge will need to be installed to connect the two streets. . It is interesting to note that property upon which the bridge would be constructed is not part of this application or the Colony Partner's property to the south. Members of the planning staff will coordinate this matter with the Public Works Department and City Attorney's Office to determine the best approach to make this connection.

Due to this application being a commercial subdivision, staff and agency comments will be better addressed during the conditional use and/or permitted use processes. The subdivision plat will contain easements and other information applicable to the division of property, but does not address site design issues typically found in commercial developments. The subdivision does fall within the 5600 West Overlay Zone. As such, future commercial and/or industrial uses will be subject to increased development standards.

**STAFF ALTERNATIVES:**

1. Approve the CABCO 5600 West Subdivision subject to a resolution of staff and agency concerns.

2. Continue the application in order for the developer to address the Planning Commissions concerns.

**Applicant:**

**Adam Maher**

**5125 W. 2100 S.**

**Discussion:** Steve Lehman presented the application. Commissioner Matheson asked if it was the applicants intent to wait and develop the road until the west portion of the property is also developed. The applicant, Adam Maher, replied that they had intended to wait because the road doesn't go anywhere north or south. Mr. Maher was aware that a road was envisioned in this location but didn't know about the bridge, something that he finds very intimidating at the present time. However, Mr. Maher does plan to do more with the road when the land to the north develops. Commissioner Matheson asked the applicant if a delay agreement would be satisfactory? Mr. Maher agreed that it would make sense to sign a delay agreement. Commissioner Matheson believes a delay agreement is important because the resolution of the bridge is not going to be immediately decided. Commissioner Matheson believes that there is no sense in building the road until the bridge is built.

Commissioner Clayton asked how the discussion for the building of the bridge could be encouraged. Mr. Lehman responded that staff will contact the owners of the involved properties and schedule a meeting. After seeing how these meetings progress, staff can decide what the next step would be. Commissioner Conder asked what conditions the Planning Commission should consider, subject to approval, in reference to the resolution of the bridge. Mr. Lehman responded that the Planning Commission should suggest this project simply move forward. Public Works sees no current urgency to construct the bridge because the road still doesn't extend to the north and at the present time there is no road to the south.

Commissioner Mills asked what the anticipated use is for the subdivided properties? Mr. Lehman explained that the applicant has submitted a site plan which is still being evaluated. It may have retail use and some potential storage to the rear of the property.

Commissioner Mills stated that there seems to be a benefit in developing this road now for the existing townhome community. She said that it is inconvenient for residents to go out onto the very busy 5600 West and then to have to come back in. A road would demonstrate to residents that something will be happening with this area in the future as well as providing a safer pedestrian path. Commissioner Fuller disagreed with this statement and pointed out that a delay agreement would accomplish the same thing. People dislike seeing a road that leads nowhere and it would make more sense to develop the road as it is needed. Commissioner Conder commented that the road wouldn't be used

because it doesn't lead anywhere to the north. Mr. Lehman said that a traffic study will be performed on the property to the south and once it's completed there will be a clearer idea as to when the road needs to be constructed. Commissioner Mills believes the applicant should provide access to the east even if it is a pedestrian walk, so that when those roads are developed there will be access to the retail portion of the project. 5600 West is rapidly increasing in density and pedestrian and automobile traffic is not being considered quickly enough.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the resolution of staff and agency concerns and that a delay agreement be signed for future road improvements.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous– S-7-2008 – Approved**

**CONDITIONAL USE APPLICATIONS:**

**C-1-2008**

**T-Mobile**

**6744 West 3800 South**

**A Zone 9.8 Acres**

T-Mobile is requesting conditional use approval to locate a telecommunications monopole on the property of Douglas Orchard Elementary School. The property is zoned agriculture (A) and the West Valley City General Plan designates this area large lot residential.

The applicant's proposal is for a sixty (60) foot high monopole to be located near the north property line of the school property. This is the rear of the playground for the school. There will

be over three hundred (300) feet of separation from each of the side property lines to the monopole. The monopole and associated equipment will be in a lease area of 18'7" by 22'. The pole will have flush mounted antennas as required by the telecommunications ordinance. This monopole is in an area where it would not be required to be stealth. It meets the required 200' separation to any residential zone boundary.

There is a potential for a living-history type farm in the area and there is concern about the aesthetic impact this monopole would have on that development. From the information staff has, it appears that the monopole in this location would be approximately one-quarter mile from the closest boundary to the farm. Staff suggested to the applicant pursuing putting the monopole near the school building. However, due to liability issues Granite School District wanted the pole located as far away from the building as possible.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. All antennas on the pole shall be flush mounted and no part of the antenna shall be further than twelve (12) inches from the tower.
  2. The brick used for the equipment building shall be similar to that used on the main school building.
  3. The total height of the pole shall be no greater than sixty (60) feet.
  4. The maximum diameter of the pole shall be twenty-four (24) inches.
- Continuance, to resolve any issues raised at the public hearing.

**Applicant:**

**Jerome Gourley  
260 S. Ashcreek Dr.  
Taylorsville, UT 84119**

**Discussion:** Ron Weibel presented the application. Commissioner Mills said that there are ordinances that state where sheds can be built on private properties and questioned why this pole is allowed to be built so close to a neighboring property? Mr. Weibel explained that the structure for equipment is more than the 10 feet required. Commissioner Mills asked if there was any consideration taking place in reference to height. Ron Weibel agreed that there wasn't. Commissioner Davis stated that this portion of the playground is a popular area that is constantly being used during the day and in sporting events for youths. Children are constantly climbing the fence and Commissioner Davis feels that this is a very irresponsible place for the monopole to be positioned.

The applicant, Jerome Gourley, explained that there is a considerable gap in service at this location that effects the thousands of T-Mobile customers that pass through or live in this area. Mr. Gourley also explained that he worked closely with Granite School District and the principal of the school to find the best location for the telecommunications monopole.

Mr. Weibel said that this monopole doesn't meet stealth requirements but added that it doesn't need to in this particular case. Commissioner Mills asked if stealth would be required if the neighboring land were developed into a residential zone. Mr. Weibel said that it would and that the monopole could be placed in a different area as long as Granite School District would approve. Commissioner Fuller asked if coverage would be affected if the pole were moved to a different location on Orchard Elementary grounds. Mr. Gourley responded that it wouldn't be significantly impacted.

Commissioner Conder questioned if the money from the telecommunications pole would directly benefit the children at Orchard Elementary School. Mr. Gourley responded that Granite School District would provide a percentage of the revenue.

Commissioner Conder asked if the pole is co-locatable and Mr. Gourley affirmed that it is. Commissioner Clayton asked if any investigation was conducted as far as placing antennas on the roof of the school building? Mr. Gourley stated that the school was not interested in putting antennas on the roof. Commissioner Conder asked if it would satisfy needs if the school would allow it? The applicant said that it probably would.

Commissioner Davis stated that this pole is in a very unpractical location both aesthetically and in reference to the safety of children actively playing in this area. Mr. Gourley responded that it is difficult to find a willing landlord and Orchard Elementary has agreed to place this monopole on their property. Granite School District, in conjunction with T-Mobile and the principal of this school, decided on the best location. The pole meets every requirement, with the exception of stealth, set by the City. Commissioner Mills asked the applicant what other locations he has approached. Mr. Gourley responded that he has tried Reams Shopping Center, a pawn shop, a car wash/convenience store/ gas station, a liquor store, and about 8 or 9 other locations.

Commissioner Conder feels that a lot of the questions being asked of the applicant are more geared toward Granite School District. Commissioner Matheson stated that the Planning Commission has no jurisdiction over Granite School District. Commissioner Conder replied that it would be beneficial to understand some of the reasoning behind the pole's location. Commissioner Fuller agreed and stated that he believes this pole is not in the right location. Commissioner Davis stated that somewhere closer to the school would be safer, more practical, and more aesthetically pleasing. Ron Weibel explained that

anywhere to the rear of the building would most likely meet requirements.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Conder moved for continuance to allow the applicant additional time to further explore more appropriate locations for the monopole on school grounds and a request that a representative from Granite School District be present at the next public hearing to gain a better understanding behind the decision regarding the monopole placement. Alternative options are requested to ensure the safety of school children as well as the general appearance and attractiveness of this area.

Commissioner Clayton seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – C-1-2008 – Continued**

**C-3-2008**

**Verizon Wireless**

**4200 South 5600 West**

**A Zone 16.3 Acres**

This is an application for co-location of cellular antennas on a light standard for the football field at Hunter High School. The zoning for the property is agriculture (A) and the West Valley City General Plan designates low density residential land uses in this area. A school is allowed as a permitted use in an A zone. The total school property is slightly over 38 acres, and the parcel this use will be located on is 16.3 acres. A new monopole or co-location on an existing tower is a conditional use in an A zone.

The existing light tower for the football field will have to be replaced with a tower of sufficient size to be able to accommodate the addition of the antennas. The lights will be placed on the new tower at the top of the pole. The new pole will be extended to a height of 71' 4", the same height as the existing light pole. The cellular antennas will be located at 60' on the pole.



The football field is on the west side of the main school building, and the proposed tower is on the east side of the field. There is an existing tower just to the south of this proposed tower that was previously converted for the same use for another carrier. The tower would be approximately 700 feet west of 5600 West, 400 feet south of 4100 South, over 900 feet from the residential subdivision to the west and 1,200 feet north of the residential subdivision to the south. These distances should provide an adequate visual buffer for the pole. There will be an equipment shelter partially recessed into the berm behind the bleachers that will be constructed of brick similar to that used on the main school building.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. All antennas on the pole shall be flush mounted and no part of the antenna shall be further than twelve (12) inches from the tower.
  2. The brick used for the equipment building shall be similar to that used on the main school building.
  3. The maximum diameter of the pole shall be twenty-four (24) inches.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

**Joseph Serrao**  
**380 West Lawndale Dr.**  
**Salt Lake City, UT 84115**

**Discussion:** Ron Weibel presented the application. Commissioner Matheson asked if Verizon would be required to offer co-location? Ron Weibel answered that they would. The applicant, Joseph Serrao, added that Qwest currently has their antennas on the rooftop of Hunter High School and now Verizon owns all of Qwest's old sites. Verizon will remove the antennas and relocate them to the light pole on the football field which is better for the school. Commissioner Mills asked if the poles would virtually be mirror images of one another? Mr. Serrao stated that the shelter equipment is different but all the materials match.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the 3 staff conditions.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous– C-3-2008 – Approved**

**C-4-2008**

**JRCA Architects**

**Cyprus Credit Union**

**2769 South 5600 West**

**C-2 Zone (1.32 Acres)**

The applicant, JRCA Architects, is requesting a conditional use permit for a Cyprus Credit Union. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates Business Research Park and Mixed Use development for this area. The surrounding zone is C-2. The surrounding uses include additional retail and office type uses located in the Shoppes at Highbury development.

The building on site will be approximately 3400 square feet. There is a drive-thru teller area located along the east side of the building that is approximately 3000 square feet and does provide adequate stacking area for vehicles. The building is constructed out of a combination of stucco, concrete, metal and brick and meets the requirements of the Design Guidelines for Commercial Buildings.

Landscaping occupies approximately 20% of the site which exceeds the 15% requirements of the C-2 zone. The landscaping along 5600 West is not included in boundaries of this application but will meet the 5600 West Overlay Zone requirements and will be completed as part of the overall shopping center approval.

Fourteen parking spaces are required for this use and nineteen have been proposed. A pedestrian

walkway is proposed through the parking area, which will connect the site to the main pedestrian circulation system on site. The portion that crosses the parking lot will require a change in paving material or texture. Additionally, at least 2 parking spaces for bicycles must be provided adjacent to the primary entrance.

There is a dumpster proposed along the north edge of the site. A 6-foot masonry enclosure must be constructed around the dumpster. It will also be screened by landscaping.

Signage for this project has not been determined or designed at this time. A separate permit will be required for signage and the design will be brought back to the Planning Commission at a later

Lastly, Zions Securities has reviewed and approved the plans that were submitted.

**Staff Alternatives:**

**Approval**, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The building and site shall be constructed per the approved plans in accordance with the West Valley City Commercial Design Guidelines and the 5600 West Overlay Zone. Which includes bicycle parking and a change in paving material, pattern or color for pedestrian walkways that cross a parking lot.
2. Signage must comply with the West Valley Sign Ordinance and the sign package will be reviewed by the Planning Commission in a future study session.
3. A 6' tall masonry enclosure must be provided for the dumpster located on the north side of the site.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

**Danny Fuchs  
1886 Lake Street  
Salt Lake City, UT 84105**

**Discussion:** Jody Knapp presented the application. Commissioner Mills asked the applicant to address landscaping around the dumpster. The applicant, Danny Fuchs, explained that Cyprus Credit Union typically plants shrubs that screen and coordinate with the masonry wall.

Commissioner Mills stated that she visited other branches and noticed a uniform pattern between them. The materials used are important because they enhance the beauty of the building. Commissioner Mills commented that one particular building she noticed had a mixture of stone and brick and questioned if there is flexibility to change the current material board to reflect a combination that suited the area a little better. The applicant responded that they would certainly entertain the idea because they are trying to establish a consistent branch so that each one is identifiable but not identical. Mr. Fuchs also added that he has met with Zions Securities and they did not feel that stone was necessary. Commissioner Mills stated that 5600 West is a combination of stone and brick and changing this building would more appropriately fit the area.

Chairman Woodruff stated that he likes the appearance of the current building plan. He approves of the horizontal elements and feels the columns and detailing add a fun and sophisticated quality. He doesn't believe that adding stone will add to the building but stated that some banding might help.

Commissioner Fuller approves of everything but the aluminum metal material used on the building. Mr. Fuchs is willing to accommodate by changing the aluminum but is concerned about adding stone to the brick from a Zions Securities standpoint.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for approval subject to the 3 staff conditions and the changing of the aluminum metal on the building.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Clayton	No
Commissioner Conder	No
Commissioner Davis	No
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

**Majority – C-4-2008 – Denied**

Chairman Woodruff called for a second motion.

**Motion:** Commissioner Clayton moved for continuance to allow the applicant further time to explore possible enhancements and alternatives to the building structure.

Commissioner Davis seconded the motion

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	No

**Majority – C-4-2008 – Continued**

**C-5-2008**

**Family Support Center**

**3663 South 3600 West**

**Crisis Nursery and Counseling Center**

**RB Zone (0.25 acres)**

Bonnie Peters with the Family Support Center has requested a conditional use for a crisis nursery and counseling center on a 0.25 acre parcel at 3663 South 3600 West. The subject property includes a home that, according to Salt Lake County, was built in 1962. The property is zoned RB (residential business) and is designated as office in the West Valley City General Plan. Surrounding uses include the St. Peter and Paul Catholic Church to the north, Granger High School to the west, vacant property to the east (which is also zoned RB), and a single family home to the south.

In 1971 the Salt Lake County Planning Commission approved a conditional use permit on the subject property for a physical therapy office. This use was licensed up until 1996. Prior to 1971 the property was used as a hamburger stand. The property is currently in residential use.

The RB Zone allows a psychiatrist office as a permitted use and a day care and an instructional facility as conditional uses. The proposed use of a crisis nursery and counseling center is similar to these uses in that it includes counseling, child care, and parent education. The proposed use is described in the attached letter from Bonnie Peters dated January 22, 2008.

## **Issues**

### Neighborhood Concerns

On January 17<sup>th</sup>, 2008, a neighborhood meeting was held at City Hall concerning the proposed use. Invitations to the meeting were sent out by Bonnie Peters to property owners located near the subject property. Attendees included 5 residents, the subject property owner, Family Support Center staff, and City staff. The most concerned residents were the Zabriskie's who live directly south of the subject property. They were concerned primarily with screening or fencing, parking, and landscaping. These issues are addressed below.

### Screening/Fencing

The RB Zone states "where a lot in a Residential Business Zone shares a common boundary with a residential lot, a six-foot concrete or masonry wall and approved landscaped buffer may be required by the City along such boundaries." A 7' tall, wood fence exists along the south property line. The Zabriskie's requested and staff recommends that this 7' wood, fence be replaced with a 7' concrete or masonry wall. Also, the fence along the east property line is in need of repair or replacement.

### Parking

The attached letter from Bonnie Peters outlines the parking needs for the proposed use. Parking for the child care and counseling would be provided primarily on-site. Included with this report is a letter from Father Javier from St. Peter and Paul Catholic Church indicating that the Family Support Center can have their clients park in the church parking lot except on Saturdays and Sundays. The church parking would be used for those attending classes.

While the ordinance requires neighboring owners that share parking to be adjacent to each other, staff believes the parking arrangement made between the Family Support Center and the Catholic Church is sufficient in this situation. The primary parking needs can be met on-site. The need for the additional parking is for classes which would be held 3 times a week for about 1½ hours. A crosswalk exists at the intersection of 3650 South and 3600 West and the Catholic Church parking is located about 350' away.

If this property was vacant, the City would require the new building and associated parking to meet all current requirements. However, in this situation, where the building and driveways are existing, the Planning Commission does have some flexibility as to the level of ordinance compliance required.

For commercial and multi-family residential uses, the ordinance does not allow parking spaces where vehicles must back onto a street. Parking for single family homes and duplexes can back onto the street. The parking proposed for this use does back out onto the street. Staff believes that this parking configuration is acceptable in this situation for the following reasons:

- The current parking layout has been in place for at least 8 years. It appears that the building was being used as a duplex.
- Based on aerial photos, it appears that previous uses had parking back out onto 3600 West and 3650 South.
- The current building is too small to meet the applicant's needs. Keeping the parking as it is allows the building to remain a single level building with a single level addition. Requiring a different parking layout would likely result in a second floor addition, which, while allowed by zoning, would be opposed by the neighbors.
- The amount of traffic anticipated to and from the facility would not be substantially greater than a duplex. A single family home generates about 10 trips per day and an a single apartment generates about 7 trips per day. Based on observations at the Family Support Center in Salt Lake City, the number of trips per day ranged between 20 and 30 with two part-time and one full-time clinician on staff, in addition to regular nursery use (not including trips for class participants). The trips to and from the proposed facility would likely be less since there will only be one part time clinician. For comparison, a typical day care, according to the Institute of Transportation Engineers, averages about 79 trips for every 1,000 square feet.

#### Landscaping

According to the Zabriskie's, the landscaping on the subject property is in poor condition. Given winter conditions, staff was not able to verify this. As suggested below, staff recommends a site inspection in the spring with any need improvements made by the beginning of summer.

#### Recommended Conditions of Approval

In light of neighborhood concerns, applicant commitments, and staff concerns, staff recommends the following conditions of approval:

1. No classes shall be held on Saturdays or Sundays.
2. By April 1, 2008, City staff shall inspect the landscaping on the site. Any areas on the site that are not paved or covered with a building shall be maintained as landscaping that is in a healthy condition and free of weeds. After the staff site inspection, any areas that devoid of landscaping or that are in need of repair shall be improved or replaced by the owner by June 1, 2008.
3. The landscaped area between the 2 driveways shall include a 3' wall adjacent to the parking and a 3' landscaped berm or hedge. These improvements must be completed by June 1, 2008.
4. The existing 7' wooden fence along the south property line shall be replaced with a 7' concrete or masonry wall.

5. If the parking agreement between the Family Support Center and Catholic Church is terminated, one of the following two things must be done: 1) the classes must cease or 2) additional parking must be obtained in compliance with City ordinances.
6. Children cared for at the facility shall be no older than 11 years old.
7. The facility shall be licensed by the State as a residential support program. A West Valley City business license is also required.
8. A building permit shall be obtained for the building addition as well as for any interior remodeling.
9. A 4/1 ratio of children to adults shall be maintained at all times.
10. No more than 8 children shall be kept overnight.
11. During the daytime, the maximum number of children shall be 16.
12. No more than one counseling session shall occur at a time.
13. A counseling session shall not be allowed when a class is held.
14. Counseling sessions shall not be for substance abuse or other addictions. Counseling sessions shall not be for sexual abuse. In other words, no pedophiles will receive counseling.
15. No more than 3, 1½ hour classes shall be held per week.
16. The maximum attendance per class shall be limited by building occupancy standards.
17. No parking shall be allowed along 3600 West.
18. No signs shall be allowed in the yard.

**Staff Alternatives:**

1. Approval, subject to the 18 conditions listed above.
2. Continuance, for reasons determined at the public hearing.

**Applicant:**

**Bonnie Peters  
777 W. Center Street  
Midvale, UT 84047**

**Opposed**

**Gary Zabriskie  
2941 Dutchman Dr.  
Santa Clara, UT 84765**

**Neutral**

**Te Phan  
8081 S. 3750 W.  
West Jordan, UT 84088**

**Opposed**

**Von Blackburn  
3919 S. 3600 W.  
WVC, UT 84119**

**Favored**

**Soon Huntinghouse  
3663 S. 3600 W.  
WVC, UT 84119**

**Opposed**

**Kathy Angus  
3619 S. 3600 W.  
WVC, UT 84119**

**Opposed**

**Bethanne Zabriskie  
3677 S. 3600 W.  
WVC, UT 84119**



**Discussion:** Steve Pastorik presented the application. Mr. Pastorik read a list of questions sent via email from Mr. Zabriskie, a neighbor of the potential Crisis Nursery, and explained the answers staff provided.

1. Has a determination been made as to how many employees will be allowed to work at the facility given that there are really only four accessible parking stalls?

A: According to the applicant there would be up to 5 employees – 2 house parents, 2 volunteer house parents when needed, and one part-time counselor.

2. There appears to be six stalls shown on the site plan, but the two which are parallel to the north wall of the building appear inaccessible if a car is parked in the space behind it. Is this your standard practice to allow stacked parking? More importantly, will West Valley City go on record as stating that this is a safe design? If not, why are you permitting it?

A: Standard practice is not to allow stacked parking. The idea here is that house parents would use the stacked spaces and the volunteers, visitors, and counselors would use the other four spaces.

3. Both “driveways” require all cars to back onto 3650 South Street. The westernmost driveway is approximately 25 feet from a signalized intersection. While this may be acceptable for residential uses, do you routinely allow commercial uses to have a driveway that require backing onto a public street?

A: The ordinance requires driveways to be setback 40’ from the point of intersecting curb lines. The west driveway meets this standard. As far as backing onto the street, see the staff report discussion of parking.

4. Based upon the intended use of the facility, there will be routine drop-off parking needs as well as guests to the facility. How are these visitors accommodated with the parking shown?

A: Depending on the number of employees present, there would be 1 to 4 spaces available for drop-off parking on the site. Additional parking is available across the street Monday through Friday.

5. What is the purpose of a proposed 5’ sidewalk coming from 3600 West into the property? If there is no parking permitted on 3600 West, why is a sidewalk shown in this location?

A: This sidewalk is not required. The applicant has shown it on the plans and there is no ordinance in place that would prohibit it.

**6.** Section 7-7-105 of the WVC Zoning Ordinance states that Conditional use application shall be reviewed in accordance with the following general standards and criteria: “(4) The availability of, or ability to provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection and safe and convenient pedestrian and vehicular circulation;”.

That being said, how has the applicant documented that sufficient parking and loading space has been provided and that safe and convenient pedestrian and vehicular circulation is provided. It would seem that a commercial use in this particular location which requires backing onto a busy roadway near a high school would not lend itself to safe pedestrian use of the sidewalk and does not provide for safe vehicular circulation if a car turns east onto 3650 South from 3600 West and is abruptly stopped by a car backing out.

A: See staff report. In general, given the use is somewhat residential in nature, the existing building placement, anticipated traffic, and nearby ample parking, staff believes the Planning Commission can be flexible on the parking. However, the Planning Commission may disagree with staff and require the parking to be reconfigured.

**7.** Have the purported percentages of landscaping meeting the City definition been fully –and more importantly- "independently" documented?

A: The requirement is 20%. The applicant has shown 49%. Staff has proposed verifying the condition of the landscaping in the spring.

**8.** The wooden fence on the south property line will need to be surveyed to the satisfaction of both property owners at the sole expense of the developer of the subject parcel. The structure needs to be in a design that complements the adjoining residential property and needs to be required to be a design approved by the adjoining residential property owners. The site plan does not show this, but the wall needs to extend to the west and taper down in a similar fashion to the existing wooden fence. Will that be clarified to the applicant?

A: City ordinance does not require a survey in this situation. As far as the design of the wall goes, the ordinance does not require what is being requested. However, the Planning Commission could address the wall

design as a condition. In the past, this has been done for wall that would be highly visible along major streets.

**9.** While not something you may routinely do on "commercial" applications, since this is a "Conditional Use" request in the RB Zone, are you going to consider hours of operation for the facility or at the very least specify quiet time hours when outside uses are limited to preserve the peace and quiet of adjoining residential uses?

A: We have limited hours in the past on other uses. The applicant can better describe the evening facility operation during the public hearing.

**10.** Has your community development division staff recommendation/application review for this particular application been completed? If so, could I receive a copy of the review?

A: A staff report was prepared and sent to Gary Zabriskie on 1/12/2008.

**11.** How has the applicant shown that criteria the use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the neighborhood and the community? (WVC Zoning Ordinance Section 7-7-105 (1))

A: The Family Support Center has provided data that clearly shows that child abuse is a significant problem in the West Valley area.

**12.** According to Section 7-7-105 (5): "A conditional use shall be detrimental under the following circumstances: (a) If the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other cause."

In light of that section, does the staff of West Valley City believe that a commercial use located this close to a busy signalized intersection, with a strange configuration of parking requiring all car using this proposed facility to back onto 3650 South -across a PUBLIC sidewalk- is a reasonable risk to the safety of persons or property because of traffic safety concerns?

A: See staff report.

**13.** Where is a parking stall for disabled access going to be provided on site? I realize that this is not (necessarily) new construction (which ADAAG standards specify 1 stall for parking lots of 1-25 total stalls) but since this is a significant

change in use from residential to commercial, is West Valley City going to ensure that this facility is made accessible to disabled persons?

A: This review is typically done as part of the building permit process. However, staff asked Building Inspections and one accessible parking space (16' wide x 18' deep) would be required. This can be accommodated on the site.

**14.** Since there are going to be visitors to the property, is there going to be an accessible restroom in the facility?

A: Yes.

Commissioner Conder stated that vehicles backing out onto the main street will not be an option in the future because these roads are becoming increasingly busier. It may have been justified in the past but current plans for this area show a significant traffic increase in the coming years. Steve Pastorik explained that given the type of use, staff felt there could be some flexibility with this option but the Planning Commission has the jurisdiction to add a condition stating that backing up onto the road will not be permitted. Commissioner Matheson added that there are a lot of pedestrians that cross this area and in similar situations, a circular driveway has been required. Commissioner Matheson continued by saying that a circular driveway is necessary for this use to provide access for people dropping off and picking up their children. Commissioner Fuller agreed and stressed the importance is doubled because of safety issues in relation to the corner.

Commissioner Matheson stated the fence location is not a matter that the Planning Commission should decide. If the two property owners agree that the fence is an issue, they can get it surveyed.

Commissioner Conder requested that Mr. Pastorik change condition number 9 to read a "a *maximum* 4:1 ratio of children to adults shall be maintained at all times".

The applicant, Bonnie Peters, explained that child abuse areas are highest in West Valley City, Taylorsville, and Kearns. Mrs. Peters believes that this center is greatly needed for this community. Mrs. Peters explained the use of the facility in reference to exactly what it would be used for, how many children would be present, number of employees and their schedules, and class programs and times. Mrs. Peters addressed the parking issue by explaining her agreement with the Father from the Catholic Church across the street who provided written permission for people to utilize the Church's parking lot Monday through Friday. Mrs. Peters explained that the family support center is 31 years old and she takes pride in being a good citizen and neighbor. She stated that she has never had any complaints from the neighbors and would like to keep the center in a residential area and would like to maintain a residential appearance.

Commissioner Matheson asked Mrs. Peters if she has ever evaluated any other properties that would better fit her criteria, including a daycare facility on 4000 West and 4100 South. Ms. Peters responded that she has evaluated many properties in West Valley but none of them were available for her use.

Chairman Woodruff asked if employees of the Crisis Nursery would be able to park at the Catholic Church across the street as well. Ms. Peters replied that they could except for the weekends when they will not be able to utilize the Church's parking lot. Commissioner Clayton questioned if there is written documentation of the parking agreement between Mrs. Peters and the Father of the Catholic Church. Mrs. Peters responded that there is a signed letter. Commissioner Clayton asked if this agreement could ever be terminated? Mrs. Peters said that she can't see any reason why it would ever terminate. Steve Pastorik explained that one of the conditions of approval for this application states that if the parking agreement between the Family Support Center and Catholic Church is terminated, one of the following two things must be done: 1) the classes must cease or 2) additional parking must be obtained in compliance with City ordinances.

Commissioner Davis asked how the facility determines who is a child abuse victim and who needs counseling? Mrs. Peters replied that there are different ways to determine this. If there are obvious signs of abuse, the facility will report it to the DCFS. If DCFS is overwhelmed, often times they advise the Crisis Nursery to counsel the parents and provide parent education classes. Other parents actually call the facility seeking help and counseling. Mrs. Peters stated that the Crisis Nursery employees are seen as specialists in the treatment of physical and sexual abuse cases related to children. Commissioner Davis asked how potential adult clients are researched in reference to having a criminal history relating to child abuse. Mrs. Peters replied that the facility does not have any means of accessing police records and they simply help the person with what they are presenting whether it is depression, anxiety, or anger. As the therapy continues and it is discovered that the patient is a sex abuse perpetrator, the facility will refer them to another location and will no longer treat them. There is no screening process when the patients first seek help through the facility.

Commissioner Matheson questioned if public safety personnel would occasionally drop children off at the Crisis Nursery. Mrs. Peters replied that they would. Commissioner Matheson stated that a circular driveway is necessary and important for this use. Commissioner Mills asked if the parking to the north was changed to a circular driveway, would it be wide enough to provide double wide access so that one lane could be used to access parking and the other lane could have continuous driving. Steve Pastorik said that it would not be wide enough.

Commissioner Fuller asked the applicant if she could provide the number of residents and patients that would be allowed in the facility. Mrs. Peters replied that there would be 2 house parents living there at all times which means that there could be a total of 8 children. There is a maximum of 16 children and in this case, volunteer parents would be contacted to maintain the 4:1 ratio. Counseling will not be ongoing but there will be a part time counselor present as well. Commissioner Clayton asked if there can be up to 10 more (for a total of 31) people attending a class session. Mrs. Peters replied yes but this would be very rare.

Commissioner Matheson asked Mrs. Peters if there is enough room for the maximum of 8 children staying over night. Mrs. Peters said that there would be enough space for the children and there would be separate rooms for the boys, girls, and the house parents. Commissioner Davis asked what would happen if there was 6 girls and 2 boys. Mrs. Peters replied that rollaway beds or cribs would be pulled out. Commissioner Matheson asked if it was a good thing to mix toddlers with adolescents? Mrs. Peters doesn't know if it's the most advantageous method but the house parents do watch the children closely and cameras are placed in the bedrooms to allow proper supervision.

Commissioner Fuller asked if there are classes to be held on Saturday? Mrs. Peters stated that no classes will be held on Saturday but there may be counseling sessions. Commissioner Fuller clarified with Mrs. Peters that classes shall not be held for sexual abuse perpetrators. He then asked how the facility will know if a person attending the class is a sex offender or not? Mrs. Peters stated that there really is no way to know just as someone may not be able to identify whether or not their own neighbor is a sex abuse perpetrator.

Gary Zabriskie attended this Public Hearing to represent his parents, who neighbor the potential Crisis Nursery property, and their concerns. Mr. Zabriskie stated that he felt staff was a project advocate for the facility rather than an evaluator. Mr. Zabriskie agreed that the fencing issue would need to be handled with a surveyor. One of the major concerns the Zabriskie's shared was the parking issue. Mr. Zabriskie stated that parking should be met on site or on an adjacent parking lot and not across a public, busy, and very active street. He expressed his concern that people will not utilize a cross walk and will simply jaywalk across the street which is neither legal or safe. Mr. Zabriskie believes that backing out onto the street maintains a severe safety issue that should not be approved. Mr. Zabriskie continued to state that the building itself is too small to meet the anticipated and maximum needs. Mr. Zabriskie stated that his parents would not be opposed to adding a second floor to the plan as long as certain privacy needs are met such as the frosting of windows, etc. However, Mr. Zabriskie believes the physical limitations of this small parcel are a huge concern and he doesn't feel that the applicant has shown an ability to adequately meet all requirements set by the City. Mr. Zabriskie feels that this use would be better suited on a parcel of a more appropriate physical size. Mr. Zabriskie

agrees that this project is a very commendable and honorable contribution to the community but feels that it is more appropriate for a commercial zone rather than a residential one. He feels that it will not positively contribute to the neighborhood aesthetically or commercially and would be better suited at another location.

Commissioner Conder clarified that the fence/security issue and the parking concerns and problems were the greatest concern of the Zabriskie's. Commissioner Conder would like to know that if these concerns were appropriately addressed and corrected, would the Zabriskie's be satisfied and comfortable with the facility. Mr. Zabriskie stated that the main issue is safety and the quiet enjoyment of his parents property. The Zabriskie's will have to live with this decision for the rest of their lives and are not opposed to a viable economic use that fits the area.

Te Fon represents the Buddhist Temple which will be located on the east side of this property. Mr. Fon's only request is that, if this application is approved, the noise level from the facility be maintained and that the fencing and walls look attractive.

Von Blackburn stated he believes this is a very charitable organization but the proposed property doesn't fit the use. He is concerned that the facility will serve West Valley, Taylorsville, and Kearns in reference to the amount of traffic at this location, parking, and size of the parcel. Mr. Blackburn has children attending Granger High School and is concerned with the facilities location in reference to the high school. Mr. Blackburn feels that parking near the high school is already very poor and he believes this facility will make the parking situation worse. People attending the church or school may recognize people entering the Crisis Nursery and can cause problems that embarrass the abuse victims or their families. Mr. Blackburn stated that there is more violence in the world today and doesn't believe the facility is safe this close to the high school.

Soon Huntinghouse, the current owner of the property, stated that there is a lot of various types of violence surrounding this area. Ms. Huntinghouse also expressed and stressed the fact that she is a good neighbor and citizen.

Kathy Angus expressed concerns about parking and traffic near the High School. She doesn't feel that this is the best location for the facility.

Bethanne Zabriskie stated that planning involves thinking about and accommodating the needs of the future. Ms. Zabriskie believes that this facility can work at the present time with some modification but does not believe that it will be beneficial or appropriate for this area in the future. Ms. Zabriskie thinks that there are too many parking issues, privacy issues, safety issues, and states that the parcel is too small for the proposed facility.

Commissioner Davis expressed her admiration for the applicants facility but feels very conflicted with all the issues surrounding this parcel.

Commissioner Conder feels that the parking at the Catholic Church seems to be one of the biggest issues relating to this application. Nicole Cottle, assistant City attorney, stated that there are two divergent issues that seem to be central here. The question that needs to be asked is what can you do with a facility when there is a change of use to make it comply with the current standard? The second issue is the parking standard itself. The ordinance states that if a use doesn't have a specific parking requirement, the zoning administrator can make a decision on the parking as a condition. Nicole Cottle stated that there are very few cases that a conditional use can be denied and there is not enough legal evidence to deny this application. Appropriate conditions that comply with the ordinance should be attached to this application. Nicole Cottle suggested that if the parking at the Catholic Church is deemed appropriate, a notarized document should be signed between Mrs. Peters and the Father of the Church.

Commissioner Matheson asked if the ADA requirements would apply? Nicole Cottle stated that the ADA requirements kick in when a change of use or a change in the building itself requires a building permit. This is something that will need to be looked at during the building permit stage.

Commissioner Matheson asked if the wall being replaced is 7 feet because that is what is existing rather than the standard, ordinance requirement of 6 feet. Steve Pastorik said yes. Commissioner Matheson questioned if a two car garage would be required to appear residential. Steve Pastorik stated that a garage is an option the Planning Commission can attach as a condition. Nicole Cottle added that the Planning Commission also has the authority to add conditions that make the building fit in with the area.

Commissioner Matheson stated that he believes 5 cars could be parked by turning the parking space on the east so that it runs east and west and have 4 stacked parking stalls with a complete circular driveway accessing all of these. He also added that the concrete on the property should be torn out and engineered and the landscaping needs to be fully redone. By adjusting these things, there will be more parking on-site and anything else that will be needed can be determined and worked out off-site. Chairman Woodruff asked Commission Matheson if he believed there was a problem with parking at the Catholic Church across the street. Commissioner Matheson doesn't believe that it meets the ordinance because the Church is not adjacent to the property.

The Planning Commission members discussed more parking options but did not come up with an adequate idea. Chairman Woodruff suggested the application be continued to allow further time to explore other options, particularly in reference to parking.



There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for continuance to allow the resolution of issues raised in the hearing. No additional public comments will be heard at the next Public Hearing.

Commissioner Davis seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	No
Commissioner Mills	No
Chairman Woodruff	Yes

**Majority – C-5-2008 – Continued**

**C-6-2008**

**Wabel Industrial Park**

**6703 West Frontage Road**

**Manufacturing Zone, 5.8 acres (Phase 1)**

**Background**

Steve Slade and Larry Becknell are requesting a conditional use approval for a tow/impound yard and storage units with a caretaker's residence located at 6703 West Frontage Road. This project has 2100 square feet of residential space for the storage unit caretaker, 500 square feet of office space for the storage units, 1800 square feet of office space for the tow/impound yard, 5400 square feet of shop space for a private/personal shop, and almost 45,000 square feet dedicated to the tow/impound yard. There are two buildings as part of this application. One building has the residence and office for the storage units, which is 16 feet tall at the peak. The other building is used for the tow/impound yard office and the private shop, measuring approximately 26 feet tall at the peak. A tow/impound yard is a conditional use in the 'M' or manufacturing zone, and as the offices and storage units are uses allowed in the commercial zones, the commercial design ordinance must apply to this project. This property occupies a total of 8.025 acres of land; however, this application is for the first phase of the property, occupying a total of 5.8 acres. The General Plan designates this property as Heavy Manufacturing.

The applicant is requesting the Planning Commission to grant less parking than the required

amount of spaces by ordinance. The ordinance requires the following parking for this use: 11 spaces are currently proposed where 24 spaces are required by ordinance. (Residential 2 spaces required; Office use 500 sq ft @ 1 space/250 sq ft– 2 spaces required; 2<sup>nd</sup> Office use 1800 sq ft @ 1 space/250 sq ft – 7 spaces required; Warehouse shop 5400 sq ft @ 1 space/1000 sq ft – 5 spaces required; Open storage/tow yard 44789.65 sq ft @ 1 space/5000 sq ft - 8 spaces required). The Planning Commission is required to review the option for reduced parking based on empirical evidence (7-9-104). As the 2<sup>nd</sup> office space and the tow/impound yard have parking standards for the same use, and no parking will be needed for the parking of tow trucks (employees bring them home with them in the evening), staff does not believe there would be a problem to only use the 7 spaces required for the office use, eliminating the 8 spaces required for the tow/impound yard. If the requirement for the open storage/tow yard was eliminated, 16 spaces would be required. The applicant has agreed to meet the standard for sixteen spaces; after sitting in on the Study Session on February 6, 2008 the applicant decided not to pursue asking for less parking for the shop. The proposed plans show parking in between the two buildings, out of the front setback.

The applicant has noted in the attached letter that the shop is meant to be used as a personal shop not for commercial uses. The proposed storage unit business will consist of 276 units which will be open to lessees 24 hours a day. The office for the storage units will be open Monday through Friday from 9 am to 5 pm. The proposed tow/impound yard office is proposed to be open Monday through Friday from 8 am to 5 pm.

The Commercial Design Standards allows the Planning Commission to allow any treatment that meets the intent of the section, other than the listed options of treatments in the ordinance, for the Building Relief Treatment for a building (7-14-213(6)). The applicant is requesting that the garage gable projection be approved as a second Building Relief Treatment for the Primary (South) façade for residential/office building. The office projection on the primary façade is considered the first Building Relief Treatment (7-14-213(2)). Staff feels this would be an acceptable treatment that would meet the intent of the Building Relief Treatment Section of the ordinance. It is considered an option for Building Relief Treatments, but would be used twice, which is why the Planning Commission approval is required.

There are not currently plans for signs for this site. The project is proposing 8% landscaping on the site when 5% is required by ordinance. In addition, an existing chain link fence borders the west side of the property. The project currently has a contract for an eight foot tall visual barrier vinyl fencing to enclose the impound yard as well as the storage units behind the front setback (with the block back of the storage units used as the fence in applicable cases), however, the owner may desire a chain link fence on the east side of the residence in case the he would like to rent U-Haul trailers as part of the storage unit business so that the trailers could be seen from the street. If the vinyl is not a strong enough security fence, another metal fence may be considered.

The property on every side of 6703 West North Frontage Road is zoned M and are designated

heavy manufacturing under the General Plan. As the surrounding uses are zoned and designated in the general plan as manufacturing uses, staff does not see this use adversely affecting neighbors or neighboring zones.

### **Planning Commission Concerns**

At the Study Session on February 6, 2008, the Planning Commission showed concern regarding the incorrect address for the site, and that the applicant's original request to decrease parking for the shop would be detrimental to the site if business activity was carried out there (although the applicant has since decided to provide that parking). The Planning Commission also asked what type of cars would be towed to the site. Furthermore, it was brought to the table that City Council has been asking for sidewalks along all public right of ways.

### **Recommendations/ Staff Alternatives**

- Approval subject to any issues raised at the public hearing as well as the following conditions:
  1. That once the applicant has determined exactly what type of fence is to be used for the site, than the specs for the fence are brought to the Planning Commission in a Study Session for review.
  2. That the application be approved with a reduced parking count of a total of sixteen (16) spaces as the tow/impound yard and the office for the tow/impound yard may be considered the same use.
  3. That the garage gable projection be approved as a second Building Relief Treatment for the Primary (South) façade for residential/office building; where the office projection on the primary façade is considered the first Building Relief Treatment (cited 7-14-213(2) and 7-14-213(6))
  4. That the property's recorded address be corrected with Salt Lake County, as the current recorded address indicates the property is located on the South side of Frontage Road.
  5. That complete and revised development plans shall be submitted that are in compliance with all city ordinances and codes of all West Valley City departments; this includes the use of the Commercial Design Standards on both buildings.
  6. That the applicant shall submit a building permit application for wall signs desired on the site and that any proposed monument signs be reviewed by the Planning Commission in a Study Session prior to obtaining a building permit. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code.
  7. That a sidewalk be added to the site in a location approved by the West Valley Public Works Department.

8. That a valid West Valley City Business License be reviewed and approved prior to any and all business functions at this location and after all building permits and a certificate of occupancy have been reviewed and approved.
9. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing; and/or to review complete architectural elevations.

**Applicant:**

**Bill and Tyler Wabel  
5750 W. 2300 S.  
WVC, UT**

**Favored**

**Larry Becknell  
11789 Nicholas Rd.  
Sandy, UT**

**Favored**

**Steve Slade  
1111 E. Draper Parkway  
Draper, UT**

**Discussion:** Hannah Thiel presented the application. Chairman Woodruff asked if the buildings meet requirements for the commercial design ordinance. Ms. Thiel replied that all buildings now meet the appropriate requirements. Commissioner Clayton asked if the tow/impound yard will be paved. Ms. Thiel replied that it would.

Larry Becknell, an engineer for the project, explained that the owners are willing to acquiesce to any conditions and have already changed to more expensive architectural standards. This project is a legacy for the homeowners and they plan on keeping the property in their family line.

Commissioner Clayton stated that there is plenty of room for parking spaces and asked why there was hesitation from the applicant to remove them. Mr. Becknell explained that the planned use will never use that many parking spaces but assured the Planning Commission that the homeowner will comply if more parking spaces are listed as a condition for approval. Steve Slade, the project designer, stated that the personal building will be used strictly for the applicants hobby of repairing and restoring old cars. Mr. Slade doesn't feel that it is appropriate to base parking on a future use that may never happen.

Commissioner Conder asked if the address for this property is still incorrect with Salt Lake County. Ms. Thiel responded that there is a condition listed subject to approval to get the address properly corrected.

Commissioner Clayton asked if there was an existing billboard. Ms. Thiel replied that there is. Commissioner Clayton asked if there would be any other signage. Bill Wabel, the applicant and property owner, said the only advertising would be to publicize the storage units.

Chairman Woodruff questioned the issue of the two buildings with different color designs. Commissioner Mills commented that they look nice on their own but may not look good together. Ms. Thiel commented that the different colored buildings were proposed to make the tow yard and storage units easily identifiable from one another.

**Motion:** Commissioner Davis moved for approval subject to the 9 staff conditions.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	No

**Majority – C-6-2008 – Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from October 17, 2007 (Study Meeting) **Approved**  
Approval of minutes from January 2, 2008 (Study Session) **Not Reviewed**  
Approval of minutes from January 9, 2008 (Regular Meeting) **Approved**  
Approval of minutes from January 16, 2008 (Study Session) **Approved**  
Approval of minutes from January 23, 2008 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

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John Janson, Planning Director